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Received - 2021-09-07 02:46:19 PM
Control Number - 51830
ItemNumber - 31

PUC PROJECT NO. 51830

REVIEW OF CERTAIN RETAIL	§	PUBLIC UTILITY COMMISSION
ELECTRIC CUSTOMER	§	
PROTECTION RULES	§	OF TEXAS

JOINT ERCOT TDU REPLY COMMENTS

Transmission and distribution utilities Texas-New Mexico Power Company, CenterPoint Energy Houston Electric, LLC, Oncor Electric Delivery Company LLC, and AEP Texas Inc. (collectively “Joint ERCOT TDUs”), in response to other parties’ comments in this project, provide these reply comments. These reply comments are timely filed on September 7, 2021.

I. General Comments on This Reply

The Joint ERCOT TDUs appreciate the input provided by the various stakeholders through their respective comments in the Project. No. 51830. The opportunity provided by the Commission for both initial and reply comments are also appreciated. Therefore, these reply comments address Texas Energy Association for Marketers’ (“TEAM”) comments¹ on proposed 16 TAC §25.475(h)(4). While Joint ERCOT TDUs agree with TEAM that the September 1, 2021, effective date would be **retroactive** and improper, replacing the effective date with a subsequent review and approval process is unnecessary.

II. Reply Comments

In its initial comments, TEAM appropriately notes that that the September 1, 2021, effective date in proposed 16 TAC §25.475(h)(4) **predates** the rule’s final adoption. Instead, TEAM proposes that the Commission create a subsequent review and approval process of the TDUs initial communications to retail electric providers (“REPs”) on load shedding and associated topics² required under 16 TAC

¹ Project No. 51830, *Review of Certain Retail Electric Customer Protection Rules*, Texas Energy Association for Marketers' Response to Request for Comments on Proposal for Publication; Item 24.

² In addition to load shedding information, the Template also includes other information required by SB3’s changes to PURA § 17.003 (i.e., information about “the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load”: “the procedures for a customer to apply to be considered a

§25.475(h)(4).³ TEAM’s impetus for the additional formal process is to “develop standard information”, “standardize the message”, and that the “messaging be consistent and clear”.⁴ However, the Joint ERCOT TDUs already provided a template (the “Template”) for a concise, standardized communication discharging the TDUs’ obligations under 16 TAC §25.475(h)(4) that each TDU will provide each REP and post on the TDU’s website.

As proposed, 16 TAC §25.475(h)(4) simply requires a TDU to communicate its procedures on load shedding and the information required by the recent Senate Bill 3 changes to PURA 17.003. Since the TDU is principally providing information on its own procedures, the proposed rule appropriately omits any formal review and approval process. Consequently, Joint ERCOT TDUs’ Template addressed all their obligations. Per 16 TAC §25.475(h)(4) and the recent Senate Bill 3 changes to PURA 17.003, that draft communication describes the TDUs process for shedding load, identifies Critical Load and residential Critical Care Customers, and directs customers to the specific PUCT webpage on energy conservation in order to provide standardized information on how to reduce electricity use.⁵ Accordingly, the Template concisely and consistently transmits the required information and procedures. While Joint ERCOT TDUs will of course follow the Commission’s direction, the Template obviates the need for an additional review and approval process.

Finally, though an additional review process is unnecessary, it remains improper for a new (or amended) rule to impose a retroactive deadline for compliance. Joint ERCOT TDUs re-urge that any

critical care residential customer, a critical load industrial customer, or critical load”; and “reducing electricity use at times when involuntary load shedding events may be implemented”).

³Project No. 51830, *Review of Certain Retail Electric Customer Protection Rules*, Texas Energy Association for Marketers' Response to Request for Comments on Proposal for Publication; Item 24; pg 28.

⁴ *Id.*

⁵ *Id.*

compliance deadline should be a reasonable timeframe following the new rule's final adoption so that TDUs can timely comply with whatever requirements are ultimately imposed by the new rule.

III. Conclusion

Joint ERCOT TDUs appreciate the opportunity to reply to comments on the proposed rule and rule amendments in this Project and support the communication of information required by 16 TAC §25.475(h)(4) as set forth in their initial joint comments and these reply comments.

Respectfully submitted,

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